

S/N 09/734,281

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	MERCKEN ET AL.	Examiner:	P. DUFFY
Serial No.:	09/734,281	Group Art Unit:	1645
Filed:	DECEMBER 11, 2000	Docket No.:	12546.4USC1
Customer No.	23552		
Title:	MONOCLONAL ANTIBODIES DIRECTED AGAINST THE MICROTUBULE- ASSOCIATED PROTEIN TAU		

CERTIFICATE UNDER 37 CFR 1.6(d): I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on March 8, 2004.

By:

Name: Rebecca Bortolotti

TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Petitioner, N.V. Innogenetics S.A., a corporation organized and existing under the laws of Belgium and having its primary place of business at Ghent, Belgium, represents that it is the owner of the entire right, title and interest in U.S. Patent Application Serial No. 09/734,281, filed on December 11, 2000 and entitled Monoclonal Antibodies Directed Against The Microtubule - Associated Protein Tau, by virtue of our assignment recorded at Reel 6959, Frame(s) 0521. Attached herewith is a Certificate under 37 C.F.R. § 3.73(b) establishing N.V. Innogenetics right as assignee to take action.

Petitioner, N.V. Innogenetics, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,121,003 and

hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,121,003 , this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term as presently shortened by any terminal disclaimer of United States Patent No. 6,121,003 , in the event that United States Patent No. 6,121,003 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please charge Deposit Account No. 13-2725 in the amount of \$110.00 to cover the required Terminal Disclaimer fee for a large entity.

Date: 8 March 2004

Rebecca Bortolotti

Attorney for Applicants

Rebecca A. Bortolotti

REG. No. 51,488

**THE STATEMENT BELOW IS FOR OFFICE USE ONLY**

In accordance with the decision granting the petition filed on \_\_\_\_\_, \_\_\_\_\_,  
this terminal disclaimer is accepted. The period of patent lapse specified above has been  
accepted as equivalent to \_\_\_\_\_ months.

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Petitions Examiner